

Message Text

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ACTION NEA-11

INFO OCT-01 ISO-00 SSM-03 IO-13 CIAE-00 DODE-00 PM-05
H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02
SS-15 ICA-11 AID-05 OMB-01 TRSE-00 HA-05 /092 W
-----067698 040834Z /15

R 030942Z JUN 78
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC 9888
INFO AMCONSUL ALEXANDRIA
USMISSION SINAI

C O N F I D E N T I A L CAIRO 14191

E.O. 11652: GDS
TAGS: PINT EG
SUBJECT: PARLIAMENT ENDORSES SOCIAL PEACE

REF: CAIRO 14073

SUMMARY: PARLIAMENT PASSED LAW IMPLEMENTING SADAT'S
REFERENDUM BY MASSIVE MAJORITY ON JUNE 1. BILL RETAINS
SEMBLANCE OF DUE PROCESS BUT IS CLEARLY DESIGNED TO GET
COMMUNISTS, LEFTISTS, PRE-1952 POLITICIANS AND "CENTERS
OF POWER" OUT OF PUBLIC LIFE. IT APPEARS TO CON-
TRADICT EGYPT'S CONSTITUTION AND IS VIRTUALLY CERTAIN TO
BE CHALLENGED ON THIS GROUND. WAFD IS MEETING JUNE2
TO CONSIDER NEXT STEPS; WE ASSUME LEFT ALSO EVALUATING
OPTIONS. DESPITE SERIOUS CONSTITUTIONAL AND LEGAL
IMPLICATIONS, BILL WAS OBVIOUSLY HASTILY DRAFTED AND
IS MORE A POLITICAL THAN LEGAL DOCUMENT. DEFICIENCIES
IN BILL LIKELY RAISE NEW POLITICAL PROBLEMS IN ADDITION
TO PROBABLY NOT RESOLVING THOSE IT DESIGNED TO ADDRESS.
END SUMMARY.

1. MASSIVE MAJORITY. PARLIAMENT JUNE 1 ENDORSED LEG-
ISLATION IMPLEMENTING REFERENDUM, LARGELY DESCRIBED
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REFTEL, BY OVERWHELMING MAJORITY. SEVEN HOURDEBATE,
REPORTEDLY, WAS HEATED, BUT IN END ONLY TWO LEFTISTS,
WAFDIST (19 REMAIN IN ASSEMBLY), FOUR INDEPENDENTS AND
SINGLE MEMBER OF SALEM'S CENTER PARTY VOTED AGAINST
GOVERNMENT.

2. DUE PROCESS. SEMBLANCE OF DUE PROCESS MAINTAINED IN

LAW. SOCIALIST PROSECUTOR WILL NOT RPT NOT ISSUE DECISIONS BUT WILL FORWARD CASES TO PRIME MINISTER (FOR GOVERNMENT OFFICIALS), HIGHER PRESS COUNCIL (FOR JOURNALISTS), TRADE UNIONS (FOR LABOR OFFICERS), ASU PARTIES COMMITTEE (FOR POLITICAL PARTIES), OR TO PEOPLES ASSEMBLY (FOR PRE-REVOLUTIONARY POLITICIANS AND POST-1971 "CENTERS OF POWER), FOR ADJUDICATION.

3. UNDER LAW, POLITICIANS WILL HAVE 10 DAYS IN WHICH TO REBUT SOLIALIST PROSECUTOR, BUT ONLY IF INDIVIDUAL DID NOT OCCUPY CABINET POSITION. ASSEMBLY VOTE WILL BE BY SIMPLE MAJORITY, EXCEPT FOR MP'S WHEN 2/3 MAJORITY REQUIRED. PROVISIONS ON JOURNALISTS, GOVERNMENT OFFICIALS, AND TRADE UNIONISTS CLEARLY AIMED AT COMMUNISTS, ALTHOUGH PROVISIONS ARE BROAD ENOUGH TO BE APPLIED TO VIRTUALLY AND DISSIDENT. ALL DECISIONS, EXCEPT THOSE OF PEOPLES ASSEMBLY, CAN BE APPEALED TO ADMINISTRATIVE COURT (AD HOC JUDICIAL BODY OF THREE COUNSELORS DRAWN FROM EXISTING COUNSELORS IN COUNCIL OF STATE). PRESIDENT RETAINS RIGHT OF PARDON. (COMMENT: GIVEN EX POST FACTO NATURE OF LAW AND AUTOMATIC MAJORITIES GOE LIKELY HAVE ALL ADJUDICATING BODIES, ONLY ELEMENT OF DUE PROCESS APPEAR TO BE RIGHT OF APPEAL TO ADMINISTRATIVE COURT, FOR NON-POLOTICIANS.)

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4. PENALTIES. THOSE VIOLATING LAW, IF NOT GUILTY OF MORE SERIOUS CRIME, WILL BE SUBJECT TO THREE MONTHS IMPRISONMENT AND/OR LE 3000 FINE.

5. WAFD REACTION. WAFD ASSEMBLY MEMBERS WILL MEET THIS EVENING, JUNE 2, TO CONSIDER RESPONSETO ABOVE LEGISLATION. ACCORDING PRESS, THREE PROPOSALS HAVE BEEN TABLED: TO DISSOLVE PARTY, TO HOLD NEW ELECTIONS FOR LEADERS, OR TO LEAVE SENIOR POSITIONS VACANT. THIRD COURSE OF ACTION STRIKESUS AS MOST LIKELY; SARAEDDIN HAS GIVEN NO INDICATION THAT HE IS ABOUT TO QUIT. PRESS DOES NOT DISCUSS POSSIBILITYOF WAFD CHALLENGING CONSTITUTIONALITY OF REFERENDUM PROCESS IN COURT. THIS WAS PARTY LEADERS' ORIGINAL INTENTION.

6. COMMENT: THIRTEEN-ARTICLE LAW (EMBASSY TRANSLATION BEING POUCHED DEPARTMENT) APPEARS TO HAVE BEEN HASTILY DRAFTED TOGIVE GOVERNMENT MEANS TO EXPEDITIOUSLY REMOVE COMMUNISTS, LEFTISTS, CENTERS OF POWER", AND PRE-1952 WAFDIST POLITICIANS FROM POLITICAL LIFE. SEVERAL ARTICLES APPEAR CONTRARY TO EGYPTIAN CONSTITUTION.

7. CONSTITUTION PERMITS ONLY JUDICIAL BODIES TO LIMIT INDIVIDUAL'S FREEDOM: LAW APPEARS GIVE NON-JUDICIAL ORGANIZATIONS CONSIDERABLE AUTHORITY IN THIS FIELD. CONSTITUTION STATES ONLY COURT CAN IMPRISON AN INDIVIDUAL CONVICTED OF CRIME; LAW LEAVES HOW PENALTY IMPOSED VAGUE. (CONSTITUTIONAL GUARANTEE WOULD CONTRADICT SADAT'S DESIRE KEEP POLITICAL CASES AWAY FROM JUDICIARY.)

8. CRITICS WILL ALMOST CERTAINLY ATTEMPT CHALLENGE ENTIRE BILL ON GROUNDS THAT IT IMPOSES EX POST FACTO PUNISHMENTS AND IS UNCONSTITUTIONAL. ARTICLE 66 OF SADAT'S "PERMANENT CONSTITUTION" STATES "NO PENALTY

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SHALL BE CARRIED OUT EXCEPT IN ACCORDANCE WITH A COURT SENTENCE. PENALTY SHALL BE ONLY FOR ACTS COMMITTED WHILE THE LAW IS IN FORCE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, CENTRAL LEGISLATURE, REFERENDUMS
Control Number: n/a
Copy: SINGLE
Draft Date: 03 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978CAIRO14191
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780233-0824
Format: TEL
From: CAIRO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197806100/aaaadhqq.tel
Line Count: 140
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8710077c-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 CAIRO 14073
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 13 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2134749
Secure: OPEN
Status: NATIVE
Subject: PARLIAMENT ENDORSES SOCIAL PEACE
TAGS: PINT, EG
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/8710077c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014